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In Tumultuous Meeting at NIH

Severest Critic Gets a Hearing on the War on Cancer

Delusional optimism about progress against cancer normally dominates the agenda of the National Cancer Advisory Board (NCAB), senior council in the so-called war on cancer. However, the most recent meeting, on May 5, was the occasion for a different type of proceeding—a scheduled rhetorical collision between cancer-establishment old boys and one of the most scornful and persistent critics of national cancer strategy, Samuel Epstein, evangelist of prevention, skeptic of the quest for cures.

Professor of Occupational and Environmental Medicine in the University of Illinois School of Public Health, Epstein is a leading figure in a loose national alliance of environmentalists, cancer researchers, and public health specialists. Their common ground is a belief that the cancer program is futilely misguided toward cures and neglectful of promising opportunities for prevention. Many of them feel that cancer strategy is nefariously influenced by polluting industries. In the orthodox cancer establishment, Epstein, the most outspoken of the pack, is regarded as a narrow-minded zealot fixated on his own pet strategy to the exclusion of other credible approaches to coping with cancer.

Academy Report Angers NSF—P.5 *Bromley Beats "Sunshine" Suit—P.6*

However, the establishment finds him difficult to ignore. In addition to a highly respectable professional following, Epstein's views draw the attention of the press and a glimmering of interest among politicians. In February, a statement critical of the cancer program, signed by Epstein and some 65 other professionals allied in the cause, was presented at a Washington press conference and received wide press coverage. Among the signatories were David Rall, retired Director of the NIH National Institute of Environmental Health Sciences, Anthony Robbins, former Director of the National Institute for Occupational Safety and Health, and a flock of well-titled academics in the health professions.

An op-ed column by Epstein questioning the risks and benefits of mammography was recently published in the *Los Angeles Times* and *USA Today*. And sympathetic Congressmen have entered his writings in the *Congressional Record*. In the hierarchy of bureaucratic combat, it may be said that Epstein has graduated from guerilla hit-and-run tactics to

open-field battle.

Nothing was said at the Cancer Advisory Board meeting that hasn't been said in other forums, and neither side emerged persuaded of anything but the obtuseness of the other. Nonetheless, the event is a landmark in the politics of cancer, a closely confined enterprise that does not encourage open dissent on the emotionally volatile subject of the most feared disease. Besieged by charlatans and quacks, the mainstream managers of the cancer program, at NCI and elsewhere, tend to regard all critics as somewhere between unsavory and unscrupulous. Epstein, however, possesses proper academic credentials, employs the language of the cancer business, and is quite savvy about working with the

(Continued on Page 2)

In Brief

NASA, NSF, and NIH are wondering what awaits them in the next session of the House as an unprecedented wave of retirements shakes up the Appropriations Committee. Rep. Bob Traxler, of Michigan, a safe-seat Democrat who presides over the NASA and NSF budgets, has unexpectedly announced his departure. Traxler, generally friendly to NSF, tried last year to zap the Space Station. Appropriations Chairman Jamie Whitten (D-Miss.) is in extremely poor health, following a stroke. Next in line for that top post is Rep. William Natcher (D-Ky.), who lovingly manages the NIH budget.

Any day now, the long-aborning Critical Technologies Institute is expected to emerge on the Washington scene. Latest snag: an attempted rescission of \$4.9 million proposed for CTI in the Pentagon budget. Backers are confident of keeping the money. Once that's settled, announcement will be made of the contractor selected to manage the organization, which is supposed to plan to make the US No. 1 in hot technologies.

New on the philanthropic range: A Washington office of the Alexander von Humboldt Foundation, a granting agency financed by the German government to provide working visits in Germany for foreign researchers in the physical and social sciences. The US segment this year will provide a total of \$7.5 million for some 160 awards. For information: Dr. Jan Keppler, Alexander von Humboldt Foundation, Suite 903, 1350 Connecticut Ave. NW, Washington, DC 20036; tel. 202/296-2990.

... Accuses NCI of "Vilification and Misrepresentation"

(Continued from Page 1)

press. The cancer *junta* finds it increasingly difficult to dismiss him as unworthy of a hearing.

Epstein's invitation to address the Board was suggested by Samuel Broder, Director of the National Cancer Institute, for which the NCAB is the top advisory body. Among observers of NCI policy and politics, Broder, at the head of the Institute since December 1988, is an enigmatic figure. A career-long NCI clinician, Broder is both satisfactory to the old guard and a source of vaguely defined hopes for many sympathetic to Epstein and company.

Though the NCI Director hasn't initiated any major changes of policy or priorities at the Institute, many feel—sometimes on the claimed basis of private conversations with Broder—that he's far more open-minded and flexible than his predecessor and many of his own principal subordinates. Thus, on those slim grounds, Epstein's invitation is seen by his friends as a favorable omen.

Aware of the risks of self-destructing before the Advisory Board meeting—attended by 17 members, mostly senior researchers and executives at major cancer centers, the three-member President's Cancer Panel, plus a dozen *ex officio* members from government—Epstein commenced with a courteous statement of appreciation for the invitation. But then he went into normal stride, charging that NCI and the American Cancer Society "have misled and confused the public and Congress by repeated claims that we are winning the war against cancer. In fact, the cancer establishment," he declared, "has continually minimized the evidence for increasing cancer rates," misdirecting the blame, he contended, to the politically safe targets of tobacco and diet, while giving scant attention to preventable industrial carcinogens in air, food, water, and the workplace.

Of NCI's \$2 billion budget, he said, only \$19 million is devoted to studies of occupational cancer—a figure that NCI officials say is correct but misleading, since other programs, they contend, also add to understanding of occupational cancer.

Compounding the sin of misguided strategy, he said, "the cancer establishment and major pharmaceutical companies have repeatedly made extravagant and unfounded claims for dramatic advances in the treatment and cure of cancer." And he went on to charge that when he and his colleagues have raised these criticisms in the past, "NCI spokesmen, both anonymous and named, responded with highly personalized vilification and misrepresentation" focused on him, despite the collective effort.

Epstein then proceeded to the issue of conflicts of interest in guidance of the cancer program, describing the late oil baron Armand Hammer, Chairman of the President's Cancer Panel under Reagan, as "one of the nation's leading polluters with carcinogenic chemicals." Hammer's predecessor on the Panel, the New York financier Benno Schmidt, he charged, "has deep and close ties with drug companies."

Singling out Memorial-Sloan Kettering as "the prototype comprehensive national cancer center," Epstein said its board members and endowment are heavily invested in pharmaceutical firms and polluting industries, "companies which you can well imagine would not be inclined to place high priority on cancer prevention, but would be far more interested in finding cancer cures."

While acknowledging tobacco as a leading cause of lung cancer, Epstein charged that NCI has "systematically trivialized the evidence for occupational and other causes of lung cancer, adding that "the incidence of lung cancer in non-smokers has more than doubled over recent decades."

As his audience listened intently, Epstein went on, with rising scorn in his voice. "If you think NCI has trivialized evidence on the causes of lung cancer, other than smoking," he declared, "you should pay particular attention to the gross exaggeration of the role of high fat diet itself as a major cause of cancer."

Last year, he reminded his audience, NCI stated that "Dietary factors are estimated to account for approximately 35 percent of cancers."

"I charge this," Epstein asserted, "as being amongst the most poorly and inadequately documented scientific positions that NCI has ever developed in its whole history." He also berated NCI for not objecting to the Food and Drug Administration's approval of food irradiation, charging that the process creates hazardous substances. Epstein went on with additional counts against NCI, accusing it of neglecting the role of pesticides-contaminated fats in the induction of breast cancer and charging that the Institute "has failed to undertake any epidemiological studies on the great majority of pesticides known to induce cancer in experimental animals and which are common dietary contaminants."

Addressing NCI's past insistence that primary prevention—i.e., identification and removal of carcinogenic substances—is a well-funded part of its overall program, Epstein denounced the claim of a \$335 million budget as "a shell game." The actual figure, he said, "is closer to

(Continued on Page 3)

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... Not Perfect, NCI Head Says, But We're Trying

(Continued from Page 2)
well under \$100 million."

Again accusing NCI of denigrating its critics, Epstein said, "I see no reason why scientific McCarthyism should be the response to well-based concerns, which I can assure you, ladies and gentlemen, are reaching a significant level in the general population." As Epstein left the lectern, he received a hearty round of applause.

Next came direct encounters between the critic and the Board. NCAB Chairman Paul Calabresi, Chairman of the Department of Medicine, Brown University, assured Epstein "that we welcome criticism and any discussion on a high scientific plane. So, we appreciate the opportunity of having you come with us and tell us your views, even though they may be divergent and critical of the NCI."

Calabresi was followed by Richard H. Adamson, Director of NCI's Cancer Etiology Division, who insisted that "total prevention research" ranks high in NCI's priorities and allocation of resources. In 1991, he continued, NCI spent \$270 million on "environmental carcinogenesis," including atmospheric pollution, dietary components or contaminants, radiation exposure, and electromagnetic fields. Major studies of pesticides are under way in rural areas, he said, as are studies of dust samples in homes and contaminants in the workplace.

Without directly saying so, but clearly implying that Epstein had delivered a load of nonsense, Adamson declared that at NCI "we have in place a comprehensive and balanced program of experimental, epidemiologic, clinical, and prevention research that gives us credibility and capability at both a national and international level."

With Chairman Calabresi's evidently reluctant grant of "one minute" for a reply, Epstein belted out a high-speed rejoinder, charging that Adamson's statement glossed over the failings of the NCI program. "No reference whatsoever was made to the highly critical issue of a wide range of carcinogenic contaminants, pesticides, and others, in fat," Epstein said, adding that Adamson had failed to explain the "gross imbalance" between preventive studies and basic and clinical research at NCI.

Next up was Peter Greenwald, Director of the NCI Cancer Prevention and Control Division. "Many of us are environmentalists," he said, and "we do have unfunded research opportunities in cancer prevention," he conceded. But that's as far as Greenwald would go in placating Epstein. The NCI research portfolio reflects "a balanced approach," he said. And, because of fiscal restraints, prevention is not alone in unfunded projects. Greenwald then rambled around, touching lightly on some of Epstein's major allegations, ignoring others.

Addressing the possible linkage between pesticides and breast cancer, Greenwald conceded, "there are reasons to study that. But if you just look at the international differences, for example, breast cancer is only one-fifth of the US

in industrial Japan. It is very, very common in relatively clean, rural New Zealand and in some of the Scandinavian countries. Now, they do have some pesticides, but I think when you look at the overall picture, I think our program is balanced."

With the allotted time running out, NCI Director Broder tried to end the session on a conciliatory theme, but his cryptic prose left all parties guessing about the policy implications of his remarks. "Are we a perfect Institute?" Broder asked. "No," he replied. "Do we try to do what is right? I think we do. Can we learn from this dialog? I think the answer is yes."

Assuring the audience that he wasn't offering "a simple cliché or plumb," Broder then said that "there are important issues related to environmental carcinogenesis and prevention, and so on. And they are important enough, and they are complicated enough, that they will require full attention on a scientific and scholarly basis." Did this imply a current absence of full attention? Broder didn't say.

He then proceeded to praise the virtues of open debate, asserting that "I hope we can have a scholarly discussion, keep things on a scholarly plane. Keep things on a plane that we will all be proud of, irrespective of which way the debate goes. Thank you and have a nice day."

Epstein popped up immediately, and upon receiving permission to speak, confronted Greenwald with a barrage of criticisms and charges. "In your studies on fat, Dr. Greenwald," he declared in a prosecutorial manner, "you have never once considered, in the past studies nor in any future studies, the very critical role of environment, or carcinogenic contaminants in fat, or pesticides, estrogens, what have you. The data on these have been accumulating for 20 years," but NCI has ignored them in planning large population studies, Epstein charged.

Greenwald did not reply. But several around the big conference table were visibly eager to get at NCI's tormentor. First off was a member of the President's Cancer Panel, Geza Jako, of the Boston University School of Medicine, who asked Epstein to justify his rejection of estimates that occupationally caused cancer accounts for merely 4 percent of incidence.

Linking the estimate to studies by British epidemiologists Doll and Peto and others in the 1970s, Epstein derisively said he had long ago examined the estimate at the request of the Occupational Safety and Health Administration "and you might be interested to hear how [the estimate] was done."

"The reasoning went as follows," Epstein said. "Everybody knows that diet causes 35 percent of cancers. Everybody knows that smoking causes 40 percent. Everybody knows sunlight causes this and medicine that. That all adds up to 96 percent. Gee whiz, what are we going to do with the other 4 percent? Let's make that occupation."

"I examined 30 papers from 1978 on this 4 percent,"

(Continued on Page 4)

... Exchanging Charges of "Scientific McCarthyism"

(Continued from Page 3)

Epstein continued. "And A refers to B as the basis. B refers to C, C refers to D, D refers to E, and E refers back to A as the authority for it. There is no evidence whatsoever to the 4 to 6 percent."

NCAB Board Member Frederick M. Becker, Vice President for Research at the Tumor Institute of the M.D. Anderson Cancer Center, Houston, asked Epstein to explain the term "primary prevention." Epstein defined it as avoiding carcinogenic exposure "rather than, say, let the population be exposed and let's try giving them a pill to see if we can do something about it. That, to my mind, is a travesty," Epstein said, adding, "Mechanism studies are critical, and we should all play at games like that." But, he insisted, primary prevention merits the highest priority.

Becker then assailed Epstein, saying, "I think the tone of some of these comments is highly adversarial.... I agree with you 100 percent that we should not, and I will use your term, recede to scientific McCarthyism. But I think you come perilously close to it yourself.... You refer repeatedly to the cancer establishment as if there was some vast conspiracy, and perhaps you feel there is, of all the hundreds of thousands of people who work tirelessly...."

Continuing, Becker disputed Epstein's suggestion that the Sloan-Kettering researchers are influenced by the stock holdings of the institution's endowment and board.

To the firing line came NCAB Member Sidney Salmon, Director of the Arizona Cancer Center. Stating that "I agree with many things that Dr. Becker said," Salmon accused Epstein of losing "sight of the fact that the enemy is cancer" and that the task of NCI is to "overcome cancer as a problem as quickly and as effectively as we can, whether it be with treatment or prevention."

NCI's Adamson then returned to the fray, accusing Epstein of misrepresenting NCI's interest in contaminants in fat. "So, your remark that nothing has been done or planned in the future, with regards to pesticides and breast cancer," Adamson said, "is not correct, Dr. Epstein."

Allotted two minutes by the Chairman, Epstein defended his criticisms of NCI, arguing that the substance of his case was embodied in the February 4 statement of over 65 scientists "who have been frustrated over the last two decades. They have made numerous representations to NCI, directly and indirectly." NCI, he charged, has responded with harassment.

"I have never attacked a person or any individual in the NCI in any statement I have made," Epstein insisted. "The *ad hominem* attacks have come from NCI, being called a menace, being called a gadfly, being called unethical. That is what I call scientific McCarthyism," Epstein declared, "and you are repeating that now by suggesting that the attacks come from me."

Defending his assault on the "scientific establishment," Epstein asserted that it does, indeed, exist and that it is

"fixated on diagnosis and treatment, on basic research, even though the basic research has little relevance to cancer."

Epstein then shifted into rhetorical high gear: "For the last 20 years," he charged, "I have been attempting, and others have been attempting, to influence the NCI more and more in the direction of primary cancer prevention. Our efforts have been fruitless. The first time we got your attention is when you were, with due respect, hit over the head with a two by four."

"I am delighted to have your attention now, and I look forward to the possibility of constructive dialog in the future. And I look forward also to the fact that NCI spokesmen will not respond to criticisms as scientific McCarthyism. Other than that, ladies and gentlemen, it has been a great pleasure to have addressed you. Thank you so much."

Originally allotted one hour, the session devoted to Epstein's address and the ensuing discussion recessed 40 minutes late. Its practical effect, if any, on the cancer program is unknowable at this point. But a constant theme in the history of the National Institutes of Health is acute sensitivity to public and Congressional opinion. Will NCI now lean more toward the concept of prevention espoused by Epstein and company? A shift in that direction should be no surprise.—DSG

A Revival of Science Bashing

There hasn't been a serious Congressional bout of research-title bashing since Bill (Golden Fleece) Proxmire left the Senate in 1988. But they're at it again, the occasion this time being a perverse competition with the White House to trim supposedly superfluous items from the federal budget.

After the President issued his list, mainly focused on pork-barrel public works, Senator Robert Byrd (D-W.Va.) fired back on April 30 with his list, including a batch of ongoing social- and behavioral-science projects that he proposed eliminating from the budget of the National Science Foundation. The sums involved merely total about \$350,000, but the fright factor for the antsy social and behavioral sciences far exceeds the fiscal measure.

Included on the Byrd list, as published in a rescission amendment to the NSF money bill: "Middle Class Lawyers: The transformation of small firm practice;" "Monogamy and Aggression;" "Holism in Psychobiology in the Twentieth Century," and "A historic study of Japan's famous slogan 'Rich Nation, Strong Army' and its impact on Japanese Technology."

The aforementioned projects were among many items under discussion in a House-Senate appropriations conference as SGR went to press.

Whatever the outcome, it is plain that NSF has lapsed into complacency since Proxmire's departure. Virtually all of those titles could have been rendered politically immune with the addition of one of the terms that reflect the anxieties of our time: competitiveness, AIDS, global warming, etc.

NSF Fuming Over Academy's Misconduct Report

Bilious sentiments are coursing through the inner chambers of the Washington science establishment in response to the National Academy of Sciences' recently issued report on scientific misconduct, *Responsible Science: Ensuring the Integrity of the Research Process* [SGR, May 1].

Walter Massey, Director of the National Science Foundation, which provided \$168,000 toward the \$888,000 cost of the report, is described by close associates as being extremely displeased by the report on several grounds: References to NSF which he regards as erroneous; failure of the Academy to provide a copy to NSF until shortly before public release on April 22, and, most irritating to the NSF chief, the report's definition of scientific misconduct, which Massey and his senior crew consider needlessly constricted and at odds with the Foundation's definition.

Massey is quoted by a colleague as angrily saying, "We paid for that report," and while Massey is said to have emphasized he didn't want or expect veto power, he's also said to feel that NSF has been abused by its beneficiaries at the Academy. Though not given a look at the final version, NSF staff was asked for comments in February on approximately a dozen pages of the 189-page report. The NSF Office of the Inspector General, which investigates misconduct for the Foundation, responded with an eight-page list of alleged factual errors and misrepresentations of matters related to NSF, but few changes were made in the report.

NSF was also alerted to potential difficulties by an unauthorized look at a near-final draft of the report in January. Massey was thus on guard when the Academy began an eve-of-publication campaign to rally backing for the report, a major production in preparation for over two years.

On the evening before public release, Academy President Frank Press hosted a send-off dinner at the Academy, with a guest list that included the Chairman of the report-writing committee, Edward E. David Jr.; White House Science Adviser D. Allan Bromley; NIH Director Bernadine Healy; Donald Henderson, Associate Director for Life Sciences in Bromley's Office of Science and Technology Policy, and NSF Director Massey. Massey sent his regrets and a middle-ranking NSF staffer to take his place.

The next day, Chairman David paid a call on Massey at NSF, presented copies of the report, and asked Massey to "embrace" the report and "implement its recommendations." Massey, according to a staff member, responded that he hadn't had an opportunity to read the report, and would not respond at that time. Massey reportedly did not conceal his annoyance.

The report was then discussed by the Executive Committee of the National Science Board, NSF's equivalent of a board of directors. Board Chairman James Duderstadt, President of the University of Michigan, said that he shared Massey's assessment of the report and felt it would be appropriate for NSF "to go slow" in responding to Chairman David's appeal for an endorsement.

Senior NSF officials take pride in the Foundation's handling of scientific misdeeds, and happily compare their record to the succession of calamities that have marked NIH's hamhanded mismanagement of the misconduct issue. The Academy report, produced by a 22-member committee that bickered for months before yielding to an uncompromising faction, is viewed by NSF as a shallow, weak treatment of a complex and serious problem. The main sticking points are the report's narrow definition of misconduct and its references to NSF cases to support its decision.

The definition is attributed to Howard Schachman, of the University of California, Berkeley, whose concerns about scientific misconduct are exceeded by his distaste for federal intrusions into the internal affairs of science. Ironically, though Schachman won the definitional fight, he nonetheless joined in a "Minority Statement," with Keith Yamamoto, UC San Francisco, criticizing the report as failing "to convey the overriding importance of intellectual freedom...."

The misconduct definition adopted by the NAS committee accepts the wording of the first part of the definition currently in force at NIH and NSF: "fabrication, falsification, or plagiarism in proposing, performing, or reporting research." But it slices off the concluding words: "or other serious deviations from accepted research practices." NSF contends that the excised clause, though rarely used, can be indispensable for dealing with scientific offenses apart from fabrication, falsification, or plagiarism.

The NSF management is particularly angered at the report's discussion of a case in which the Foundation invoked the "deviations" clause. The case concerned an NSF-supported primatologist accused of sexually preying on female undergraduates under his supervision for field work. The NSF Inspector General (IG) reported that "many of these incidents were classifiable as sexual assault." The IG concluded that the investigator "used alcohol to excess at the [research] site and in connection with sexual misfeasance. He threatened to 'blackball' graduate students in the professional community if they reported his behavior to authorities. He manipulated access to the data and the computer used to analyze the data to create opportunities for sexual misfeasance."

The IG reported that "these incidents were an integral part of this individual's performance as a researcher and research mentor and represented a serious deviation from accepted research practices. Therefore, they amounted to research misconduct under NSF regulations." The IG recommended three years of disbarment from NSF support, but Erich Bloch, then Director of NSF, raised it to five years.

Commenting on NSF's treatment of this episode, the Academy study states that "reports of this particular episode have caused some scientists to express concern that the scope of the definition of misconduct in science may be inappropriately broadened into areas designated by the [Acad-

(Continued on Page 6)

... Report "Rife With Factual Errors," Official Says

(Continued from Page 5)

emy] panel as 'other misconduct,' such as sexual harassment." The view at NSF is that the culprit's behavior, while not constituting "fabrication, falsification, or plagiarism," was nonetheless a gross violation of what's expected of a scientist in the course of his work and therefore fell under the heading of "other serious deviations from accepted research practices."

Schachman's view of the matter, reported in the newsletter of the Federation of American Societies for Experimental Biology, is that "This guy should have been fired for moral turpitude. It's a disgrace to apply the scientific misconduct concept to that."

In quest of backing, the promoters of the report presented it on May 7 to the 13-member President's Council of Advisers for Science and Technology (PCAST). Chairman David of the Academy's panel said that "we were pushed to take an authoritarian view," but rejected it because it "would damage the productivity of the system."

Referring to the Schachman-Yamamoto "Minority Statement," Solomon Buchsbaum, Senior Vice President for Technology Systems at AT&T Bell Laboratories, told David, "I've read it three times and I still can't understand it."

David replied, "You'd better ask them."

Asked about "feedback" on the report, David said it had generally been favorable, though the "Inspector General at NSF has rejected it out of hand."

Asked about that by SGR, the NSF Inspector General, Linda Sundro, said the report has merits, but she caustically denounced it as "rife with factual errors," adding that it also suffered from "significant deficiencies in reasoning."

PCAST members appeared puzzled by the recommendation for an independent Scientific Integrity Advisory Board to monitor misconduct procedures and cases, serve as a clearinghouse, and assist as requested in dealing with misconduct issues. Bromley noted "an uneasiness" about the proposal. David said the Board would have a five-year life with no chance of an extension. But most seemed skeptical, and David agreed that its mortality could not be assured.

Bromley reported that the misconduct issue had been on the agenda of the Federal Coordinating Council for Science, Engineering, and Technology, but had been set aside to await the Academy's report. He would now seek, he said, "an interagency consensus" on misconduct.

As his scheduled time ran out, David requested PCAST to provide "a formal statement of support" for the panel's definition, which he described as the core of the report.

Bromley replied, "There's a slight question as to who such a statement would be addressed."

"To me," David replied.

Ending the session, Bromley said, "We'll consider it."

Without Massey and NSF on board, however, the Academy's bumbling attempt at statesmanship on scientific integrity does not appear to have a bright future.—DSG

Bromley Beats Suit to Open White House Science Sessions

A lawsuit to require open meetings of the senior White House science advisory committee in accordance with the Federal Advisory Committee Act scored a minor victory on May 7 but was essentially repulsed with the specious courtroom claim that George Bush himself "regularly" attends the meetings.

Asked about that claim, a staff member at the White House Office of Science and Technology Policy (OSTP) later told SGR that complete figures on Presidential attendance were not available, but it could safely be said, she noted, that Bush had not attended the last four meetings.

The Presidential argument, among other flimsy contentions, was made by the US government in US District Court in Washington, in response to a suit initiated by the Bureau of National Affairs (BNA), a major newsletter publisher. Joining in the suit were *Nature* and SGR.

The suit called for barring closed sessions on subjects not deemed classified or proprietary under exemptions allowed by the "sunshine" act, and for a temporary restraining order to postpone the meeting because of inadequate public notice. The suit also contended that the advisory committee's meetings routinely violated the requirement of 15 days of prior public notice.

The court heard arguments on May 7, at the same time that the defendant, the President's Council of Advisers for Science and Technology (PCAST), was commencing its monthly two-day meeting, near the White House.

For that meeting, PCAST initially issued the agenda that it uses for all its sessions: a pallid segment open to the public, 9 to 11 am, followed by "closing remarks, open session ends," whereupon the press and other public attendees depart and the Council goes into private session.

But in a sudden turnabout, while the court was hearing arguments, Council Chairman D. Allan Bromley, who also serves as the President's Science Adviser, voluntarily extended the open session to all of the first day's proceedings. The direct effect was to tolerate a press presence at a diffuse and rambling discussion of plans for a study of the "health of research-intensive universities."

The press was thus immediately confronted by two puzzles: Why the Council had initially planned a closed session on that harmless topic, and why anyone would voluntarily squander a spring afternoon attending it.

Organized by BNA reporter Toby McIntosh, who closely follows PCAST, the lawsuit argued that notice of the May 7-8 meeting was published in the *Federal Register* on May 4, and that closed sessions were scheduled for discussing reports on high-performance computers, "the health of US colleges and universities," and "biological diversity and

(Continued on Page 7)

More IN PRINT: Hughes Science Program, DOE, Etc.

(Continued from Page 8)

Forum for Applied Research and Public Policy (in US, \$28 for individuals, \$36 for institutions; foreign, \$34 and \$42), quarterly journal published since 1986 by the University of Tennessee Energy, Environment, and Resources Center and the Oak Ridge National Laboratory. Among the articles in the Spring '92 issue (116 pp.): "Energy Policy After the Gulf War," by William L. Fisher, University of Texas; "Future Oil Supplies: Is the Wolf Really at the Door?," by Michael C. Lynch, Washington International Energy Group, and "Bush Retreat Places Waste Policy in Doubt," by Daryl W. Ditz, Cornell University.

Order from (checks payable to): Forum for Applied Research and Public Policy, University of Tennessee, Energy, Environment, and Resources Center, 327 South Stadium Hall, Knoxville, Tenn. 37996-0710; tel. 615/974-4251.

Attracting Students to Science: Undergraduate and Precollege Programs, 1992 (265 pp., no charge), from the colossus of biomedical philanthropy, the Howard Hughes Medical Institute, a report on how it disgorged itself of \$123 million since 1988 in awards to 139 colleges and universities for programs to encourage students to pursue careers in science. Created to placate the Internal Revenue Service's demands for a zestier outflow of tax-sheltered dollars, the Hughes science-boosting program is the biggest outside of the federal government. This hefty, slick volume contains

Sunshine Suit

(Continued from Page 6)

the UN conference" next month in Rio de Janeiro. None of these topics, the suit contended, qualified for exemptions under the "sunshine" act.

At the federal court hearing, Peter Modlin, the Justice Department attorney representing PCAST, argued that shortness of public notice was necessitated by "extraordinary circumstances" that put the agenda in "flux." He also contended that the President was relying on the Council for sensitive advice for the Rio Conference, and that the President "attends these meetings regularly."

The government won the day, except on the issue of discussions of staffing of the university study, which the court ruled must be held in the open. The decision does not preclude further legal challenge to PCAST's narrow interpretation of its obligations under the Federal Advisory Committee Act. Next steps are under discussion by the plaintiffs and their *pro bono* counsel, Eleanor H. Smith, of the firm Zuckerman, Spaeder, Goldstein, Taylor & Kolker.

Further legal action may bring the support of other news organizations, including *Science*, published by the American Association for the Advancement of Science, which failed to come on board because of hurried communications on the day the suit was filed, according to Colin Norman, Managing News Editor of the journal.—WJR & DSG

individual reports on Hughes-supported activities at 95 schools presented last fall at a meeting of Undergraduate Program Directors.

Order from: Howard Hughes Medical Institute, Office of Grants and Special Programs, Undergraduate Science Education Program, 6701 Rockledge Drive, Bethesda, Md. 20817; tel. 301/571-0324.

Energy R&D: DOE's Prioritization and Budgeting Process for Renewable Energy Research (GAO/RCED-92-155; 20 pp., no charge), report to Chairman Howard Wolpe, House Science Subcommittee on Investigations and Oversight, describing one aspect of the serpentine budget course at the Department of Energy, for which GAO has some favorable words. Noting that DOE recently installed new budget processes, GAO says they "represent a more systematic approach to determining budget priorities" by linking R&D programs to "overall departmental objectives." The report tracks the financial odyssey of dozens of R&D programs from their current annual appropriation through DOE's request and the figure proposed to Congress.

Also from GAO, three reports on **NASA Procurement** (GAO/NSIAD-91-259, 92-75, and 92-87; no charge), requested by Chairman Wolpe, reporting numerous sloppy contracting practices by the space agency. GAO says NASA is aware of the problems and is trying to go straight.

Order from: USGAO, PO Box 6015, Gaithersburg, Md. 20877; tel. 202/275-6241.

OSTP Names Congressional, Press Aide

Patrick White, Chief of Staff to retiring Rep. Bob Davis (R-Mich.), has been appointed to handle press and Congressional relations at the White House Office of Science and Technology Policy, succeeding Carl Bretscher, who is returning to the National Science Foundation.

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IN PRINT: German Technology, US R&D Forecast

The publications listed are obtainable as indicated—not from SGR.

German Technology Policy: Incentive for Industrial Innovation (42 pp., \$12), from the Council on Competitiveness, Washington-based booster for a more vigorous federal role in the promotion of industrial innovation, an admiring review of the thriving R&D collaboration between industry and government in Germany, which leads the world, the Council points out, in dollar volume of manufactured goods (\$386 billion in 1990, compared to \$287 billion for the US, and \$282 billion for Japan). Correctly observing that the US government, i.e., the Bush-Reagan administrations, "does not view industrial innovation as a priority, but as the indirect result of defense spending or basic research," the report says that the German government "encourages and supports a dense network of research institutions and industry organizations that provide complementary resources to the private sector." The major ingredients in that linkup include industrial participation in setting the government's research agenda and government encouragement of industrial research associations. The report says that "Instead of focusing on breakthrough innovations as the US system tends to do, Germany's innovation system is geared toward incremental improvements," but it doesn't discuss the braking effects of incrementalism, as manifested, for example, in the German lag in biotechnology. The report does not directly address the Bush administration's abhorrence of "industrial policy," a term Bushies would apply to the German formula, but the clear implication is that the US could profit from the German example. The Council on Competitiveness, a private organization, should not be confused with the identically named government body, now headed by Vice President Quayle. This one is chaired by George M.C. Fisher, CEO of Motorola, and includes in its membership chiefs of many other major high-tech firms, research universities, and representatives of organized labor. Last year the Council issued a companion report on Japan: **Japanese Technology Policy: What's the Secret?**, still available, at \$10 per copy.

Order from (checks payable to): Council on Competitiveness, 900 17th St. NW, Suite 1050, Washington, DC 20006; tel. 202/785-3990.

Battelle's R&D Forecast: Probable Levels of R&D Expenditures in 1992, Forecast and Analysis (19 pp., no charge, supply limited), annual report from the Ohio-headquartered international research and consulting firm, says real spending on R&D in the US this year will increase by merely 1 percent, reflecting a slowdown in funding by industry and the federal government. Included are tables tracking R&D expenditures, in constant and current dollars, by government, industry, and universities from 1960-91. In constant dollars, academic R&D expenditures, from all

sources, rose from \$9.6 billion in 1980 to an estimated \$15.3 billion for this year; in the same period, industrial R&D went from \$52.3 billion to \$81.9 billion. The report notes, however, that analysis of the R&D picture has been muddled by budget cuts and staff freezes at NSF, a major source of basic data. "The effects of these cutbacks," the Battelle report states, "have been felt not only by continuing private-sector users of NSF data but also by policymakers within the federal government." [NSF, it should be pointed out, is working on the problem, with a new chief and higher priorities for its Division of Science Resources Studies.]

Order from: Harry Templeton, Editor, "Battelle Today," 505 King Ave., Columbus, Ohio 43201-2693; tel. 614/424-7818.

Research-Technology Management (6 times a year magazine; \$45 for individuals; \$75 for institutions; for foreign airmail, add \$35; surface mail, \$15), published by the Industrial Research Institute, Washington-based nonprofit, with a membership of over 260 major industrial firms. The publication, formerly titled *Research Management*, presents articles on industrial research, news reports, book reviews, etc. Included in the May/June issue: "Technology Transfer in Consortia," a discussion of the ups and downs of the Microelectronics and Computer Technology Corporation, by Jerry Werner, formerly with MCC.

Order from (checks payable to IRI): **Research-Technology Management**, 1550 M St. NW, Washington, DC 20005; tel. 202/872-6353.

Finding a Balance: Computer Software, Intellectual Property and the Challenge of Technological Change (GPO Stock No. 052-003-01278-2; 228 pp., \$11), by the Congressional Office of Technology Assessment (OTA), requested by the House Committee on the Judiciary, reviews the uncertainties and conflicts that have arisen over property rights for computer software and offers a number of suggestions, including strengthening of staff at the US Patent and Trademark Office and a Congressional directive for the US Copyright Office to collaborate with software producers and users in the development of guidelines for "fair use." The report lists previous OTA publications on intellectual property rights.

Also from OTA: **Building Energy Efficiency** (GPO Stock No. 052-003-01280-4; 165 pp., \$8.50), estimates that use of commercially available technologies could reduce residential and commercial energy consumption by up to one-third by the year 2015, and says the federal government could lead the way through example, demonstration projects, and financial incentives. Offered are three sets of options, "basic," "moderate," and "aggressive."

Order from (checks payable to): Superintendent of Documents, USGPO, Washington, DC 20402-9325; tel. 202/783-3238; add 25 percent for international orders.

(Continued on Page 7)

